AF/2479

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| APPLICANT(s): | Daniel Rosenkranz | | |
| SERIAL NO.: | 10/081,578 | ART UNIT: | 2426 |
| FILING DATE: | February 22, 2002 | EXAMINER: | Nhon D. Nguyen |
| TITLE: | **FRANKING SYSTEM USER INTERFACE** | | |
| ATTORNEY DOCKET NO.: | 770P010635-US(PAR) | | |

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**APPELLANTS BRIEF**

(37 C.F.R. §1.192)

This is an appeal from the final rejection of the claims in the subject application. A Notice of Appeal was mailed on July 25, 2005

**[1] REAL PARTY IN INTEREST**

The real party in interest in this Appeal is the assignee, Ascom Autelca AG.

**[2] RELATED APPEAL AND INTERFERENCES**

There are no related appeals or interferences.

**[3] STATUS OF THE CLAIMS**

Claims 1,2,4,5,8,11-16,19,20,22,23,26, and 29-34 stand rejected under 35USC102(b) on the basis of the cited reference Kabacaoglu et al, U.S. Patent No. 5,818,020. Claims 3,17,21, and 35 stand rejected under 35USC103(a) based on the cited reference Kabacaoglu et al in view of Official notice of design choices in a franking system. Claims 6,7,9,10,24,25,27, and 28 stand rejected based on the cited reference Kabacaoglu et al in view of the cited reference Needham, U.S. Patent No. 5,402,152. Claims 18, and 36 stand rejected under 35USC103(a) based on the cited reference Kabacaoglu et al, in view of Fischer, U.S. Patent No. 6,208,338.

**[4] STATUS OF AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION**

During the prosecution of this application, no amendment was filed in response to the final office action mailed June 2, 2005. It is from this action that Applicant appeals.

**[5] SUMMARY OF THE CLAIMED SUBJECT MATTER**

The invention sought to be protected in this application comprises a control interface for a franking machine that includes a touch screen display 120, as shown in figure 3. The control system includes a system controller, and a control interface for manually entering data and system directives. The control interface includes a touch screen display, and a display generator adapted to generate display screens having a plurality of touch button regions, as shown in figures 4a and 4b. The control system is adapted to generate main touch screens 320 and

work touch screens 325, these screens also including main areas for entering current data and directives, such as tool bar 330, and history tabs 332 adapted to activate displays for viewing the status and previous action associated with a category of functions or information, and allowing a user to change information in the category associated with each specific history tab 332.

**[6] ISSUES PRESENTED FOR REVIEW**

A. The first issue presented for review is the propriety of the Examiner's rejection of Claims 1,2,4,5,8,11-16,19,20,22,23,26, and 29-34 under 35USC102(b) on the basis of the cited reference Kabacaoglu et al, U.S. Patent No. 5,818,020.

B. The second issue presented for review is the propriety of the Examiner's rejection of Claims 3,17,21, and 35 under 35USC103(a) based on the cited reference Kabacaoglu et al in view of Official notice of design choices in a franking system.

C. The third issue presented for review is the propriety of the Examiner's rejection of Claims 6,7,9,10,24,25,27, and 28 based on the cited reference Kabacaoglu et al in view of the cited reference Needham, U.S. Patent No. 5,402,152.

D. The fourth issue presented for review is the propriety of the Examiner's rejection of Claims 18, and 36 under 35USC103(a) based on the cited reference Kabacaoglu et al, in view of Fischer, U.S. Patent No. 6,208,338.

Copies of the cited references are attached as Exhibits B, C, and D.

**[7] Argument**

The claims of this application are directed to a franking machine having a control system which relies on a touch screen display as a user interface. A touch screen display is a primary element of all of the claims. In spite of Applicant's repeated protestations to the contrary, the Examiner steadfastly adheres to the position that the cited reference Kabacaoglu discloses a touch screen display. This appeal, therefore, has become narrow, since all of the issues (A-D described above) hinge on whether or not the cited reference supports the Examiner's assertion.

The Examiner relies on the reference Kabacaoglu et al to support the rejection based on anticipation and as primary support for the rejection based on obviousness. The Examiner characterizes the reference Kabacaoglu et al in part as follows:

> **"...the control interface comprising a touch screen, and a display generator adapted to generate display screens having a plurality of touch button regions..."**

The reference Kabacaoglu et al describes a system of soft keys, i.e. programmable keys, as part of a user interface for a franking system. As shown in figure 1, the soft keys 12-22 on the control panel are used to facilitate navigation through a variety of menus displayed on an LCD display module 10. There is nothing in the reference Kabacaoglu et al to indicate that display 10 is touch sensitive (see column 4, lines 25-30). The user interface of the cited reference is shown in figure 1 in

which the soft keys 12-22 are clearly shown to be positioned outside of the display 10 on the input field 11 (column 3, lines 65-67). If there is no touch sensitive display, there can be no generation of a plurality of touch button regions. In spite of the Examiner's assertion, the cited reference does not support the rejection based on anticipation.

With respect to claims 2 and 20 the Examiner characterizes the disclosure of Kabacaoglu as follows:

> **"As per claims 2 and 20, Kabacaoglu teaches the history tabs activate displays for only one previous history of the category associated therewith (col. 4, lines 8-24)."**

The system of Kabacaoglu does not use history tabs as envisioned in the system of this invention. Although past entries are available in the system of the cited reference, i.e., the parameter retrieve key (column 3, lines 14-19), they only provide the retrieval of previously stored postage values. There is no facility for activating displays of status by category of function, according to the claims of this invention.

**The Issue of Anticipation**

The anticipation analysis requires a positive answer to the question of whether the system of Kabacaoglu et al would infringe the claims of this application if it were later.

All of the claims of this application are directed to a user interface for a franking system which has the following elements, as described in claim 1:

**"a touch screen; and**

**a display generator adapted to generate displays on said touch screen, said display generator defining a plurality of touch button regions on said touch screen;"**

There is no touch screen that forms part of the system described in the reference Kabacaoglu et al. Accordingly there can be no infringement of the subject claims. Therefore the teaching of Kabacaoglu et al does not support the rejection based on anticipation with respect to any of the claims. Equivalent language also appears in independent claims 5, 19, and 23.

The above arguments apply equally to the rejected dependent claims 2, 4, 8, 11-16, 20, 22, 26, and 29-34.

**The Issue of Obviousness**

In view of the above deficiencies of the cited reference Kabacaoglu et al, the Examiner significantly underestimates what is not disclosed therein. Neither Official notice, nor the disclosures of cited references Needham and Fischer remedy these deficiencies. The Examiner cites the non-existent touch sensitive screen and associated display generators throughout the rejections based on obviousness.

With regard to claims 6, 7, 24, and 25 the Examiner cites the reference Needham. The reference Needham describes a computer having a pen activated touch sensitive display screen that has a variety of modes of operation to accommodate a users mode of writing, i.e. left or right handed, left hooked, or right hooked. This is not the same as orienting a touch screen display according to the most frequently used touch sensitive areas.

Claims 18 and 36 are rejected by combining the disclosures of Kabacaoglu and Fischer. The teaching of Fischer is summarized in column 2, lines 49-56 of Fischer as follows:

> **"According to the invention, the documentation and help system is combined in an integrated online information system comprising an online help engine for requesting and receiving documentation and help information, an address database for storing addresses of documentation and help information, and a browser for receiving documentation and help information in a network architecture corresponding to an address applied to the browser."**

How this online help system of Fischer could be combined with the soft key user interface for a franking machine of the cited reference Kabacaoglu et al is left for speculation, accept for an indication that it would make the display of information faster. Fischer is a personal computer based system particularly adapted for assisting in the use of automated test equipment. There is no indication that the attributes of a touch sensitive display are used, nor is there any indication that the help system may be somehow adapted for the particular purpose of the subject invention.

Applicant submits that the modification of the teachings of the cited references, in order to obtain the invention, as described in the independent claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims.

The touch screen "concept" as claimed in this application does away with the need to program & reprogram unique "soft keys" as described in the reference Kabacaoglu. The soft keys replaced

bunches of discrete dedicated keys. The touch screen user interface, as applied to a franking machine according to this invention, provides significant improvements over soft keys. This improvement allows a wide variety of text to be displayed in which the text identifies what a touch screen press will accomplish in a particular touch region.

The Examiner concludes his response to Applicant's arguments as follows:

> **"Figure 1 of the Kabacaoglu reference illustrates a touch screen with a plurality of soft keys (col. 3, lines 65-col. 4, line 30). This touch screen can generate several display menus on the display screen (e.g., fig.3; col. 4, lines 43-53). Furthermore, the touch screen of figure 1 also includes a plurality of touch button regions on the touch screen such as soft keys region 12-22, scrolling region 24 and 26, and numerical keyboard region 32. Therefore, Kabacaoglu does teaches "a touch screen: and a display generator adapted to generate displays on said touch screen, said display generator defining a plurality of touch button regions on said touch screen"**

Lines 65 -68 states at the beginning of a description of figure 1, as follows:

> **"Fig. 1 shows the user interface presented to the operator having a display unit 10 *below which* six soft keys 12-22 are arranged." (emphasis added)**

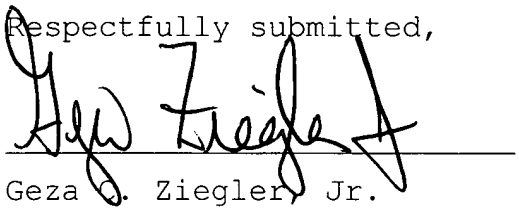
Figure 1 is an illustration of a control panel for a franking machine similar to that shown in figure 2 of this application. On the panel of the cited reference, there is arranged an LCD screen 10, a key pad, comprising soft keys 12-22, and a numerical keyboard 32. The key pad and keyboard are not part of display 10 and do not in anyway operate as part of a touch sensitive display screen as in the subject invention. The cited reference does not support the Examiner's assertion.

**[8] SUMMARY**

It is respectfully submitted that all of the claims, as presented, are clearly novel and patentable over the prior art of record. Accordingly, the Board of Appeals is respectfully requested to favorably consider the rejected claims and to reverse the final rejections, thereby enabling this application to issue as a U.S. Letters Patent.

A check in the amount of $500 is enclosed for the Appeal Brief Fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



22 September 2005

Geza C. Ziegler, Jr. Date

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## CLAIM APPENDIX

1.(Previously Presented) In a franking machine, a control system comprising:

a system controller; and

a control interface for manually entering data and system directives, said control interface comprising:

a touch screen; and

a display generator adapted to generate displays on said touch screen, said display generator defining a plurality of touch button regions on said touch screen;

wherein said control system is adapted to generate main displays and work displays, each of said displays also comprising main areas for entering current data and directives, and history tabs adapted to activate displays for viewing the status and previous action associated with a category of functions or information, and allowing a user to change information in the category associated with each specific history tab by using said touch button regions.

2. (Original) The control system in Claim 1, wherein said history tabs activate displays for only one previous history of the category associated therewith.

3. (Original) The control system in Claim 1, wherein said history tabs activate displays for categories of mandatory franking information.

4. (Original) The control system in Claim 1, wherein said history tabs activate displays for categories of rate-related information.

5. (Previously Presented) In a franking system, a control interface for manually entering data and system directives, said control interface comprising:

a touch screen;

a display generator adapted to generate displays having a plurality of touch button regions defined therein; and

a user display preference control coupled to said display generator, and adapted to control the grouping and orientation of said touch button regions.

6. (Original) The control interface in Claim 5, wherein said display preference control and said display generator are adapted to locate groups with more frequently touched touch button regions in a user-chosen hemisphere of displays.

7. (Original) The control interface in Claim 6, wherein said user-chosen hemisphere corresponds to the dominant side of the user's body.

8. (Original) The control system in Claim 1, further comprising a display preference control coupled to said display generator, and adapted to control the grouping and orientation of said touch button regions.

9. (Original) The control interface in Claim 8, wherein said display preference control and said display generator are adapted to locate groups with more frequently touched touch button regions in a user-chosen hemisphere of displays.

10. (Original) The control interface in Claim 9, wherein said user-chosen hemisphere corresponds to the dominant side of the user's body.

11. (Original) The control system in Claim 1, wherein said control system is further adapted to assign a particular advertisement field to be included in indicia printed on mail or

mail labels, the particular advertisement field depending on the account to which mail being franked is charged.

12. (Original) The control system in Claim 1, wherein said control system is further adapted to assign a particular advertisement field to be included in indicia printed on mail or mail labels, the particular advertisement field depending on the user operating said franking machine.

13. (Previously Presented) The control system in Claim 1, wherein said control interface further comprises an overlay display activation key adapted to activate an series of overlay displays linked to said main displays or said work displays, said overlay displays adapted for entry of data or commands without closing the associated main or work displays.

14. (Previously Presented) The control system in Claim 13, wherein said overlay displays are associated with display settings.

15. (Previously Presented) The control system in Claim 13, wherein said overlay displays are associated with print engine management.

16. (Previously Presented) The control system in Claim 13, wherein said overlay displays are associated with print position settings.

17. (Previously Presented) The control system in Claim 13, wherein said overlay displays are associated with motor control settings.

18. (Previously Presented) The control system in Claim 13, wherein said overlay displays are associated with user context-sensitive information.

19. (Previously Presented) A method of controlling the operation of a franking machine having a system controller and a control interface, said control interface including a touch screen, said method comprising the steps of:

via said control interface, manually entering data and system directives;

generating touch sensitive displays on said touch screen; and

defining a plurality of touch button regions within said touch sensitive displays;

wherein said displays comprise main displays and work displays, each of said displays also comprising main areas for entering current data and directives, and history tabs adapted to activate displays for viewing the status and previous action associated with a category of functions or information, and allowing a user to change information in the category associated with each specific history tab.

20. (Original) The method in Claim 19, further comprising the step of, via said history tabs, activating displays for only one previous history of the category associated therewith.

21. (Original) The method in Claim 19, further comprising the step of, via said history tabs, activating displays for categories of mandatory franking information.

22. (Original) The method in Claim 19, further comprising the step of, via said history tabs, activating displays for categories of rate-related information.

23. (Previously Presented) In a franking system having a control interface, a method for manually entering data and system directives, comprising the steps of:

providing a touch screen;

generating touch sensitive displays on said touch screen, said displays having a plurality of touch button regions; and

grouping and orienting said touch button regions.

24. (Original) The method in Claim 23, further comprising the step of locating groups with more frequently touched touch button regions in a user-chosen hemisphere of displays.

25. (Original) The method in Claim 24, wherein said user-chosen hemisphere corresponds to the dominant side of the user's body.

26. (Original) The method in Claim 19, further comprising the step of, via a display preference control coupled to said display generator, controlling the grouping and orientation of said touch button regions.

27. (Original) The method in Claim 26, further comprising the step of locating groups with more frequently touched touch button regions in a user-chosen hemisphere of displays.

28. (Original) The method in Claim 27, wherein said user-chosen hemisphere corresponds to the dominant side of the user's body.

29. (Original) The method in Claim 19, further comprising the step of assigning a particular advertisement field to be included in indicia printed on mail or mail labels, the particular advertisement field depending on the account to which mail being franked is charged.

30.(Original) The method in Claim 19, further comprising the step of assigning a particular advertisement field to be included in indicia printed on mail or mail labels, the particular advertisement field depending on the user operating said franking machine.

31. (Previously Presented) The method in Claim 19, further comprising the step of, via said control interface, activating via an overly display activation key, a series of overlay displays linked to said main displays or said work displays, said overlay displays for entry of data or commands without closing the associated main or work displays.

32. (Previously Presented) The method in Claim 31, wherein said overlay displays are associated with display settings.

33. (Previously Presented) The method in Claim 31, wherein said overlay displays are associated with print engine management.

34. (Previously Presented) The method in Claim 31, wherein said overlay displays are associated with print position settings.

35. (Previously Presented) The method in Claim 31, wherein said overlay displays are associated with motor control settings.

36. (Previously Presented) The method in Claim 31, wherein said overlay displays are associated with user context-sensitive information.

**[9] Evidence Appendix**

N/A

**[10] Related Proceedings Appendix**

N/A